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| 09/956,910 | 09/21/2001 | Stephan Hartwig | 006916.00008 | 2649 |

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EXAMINER

SHANG, ANNAN Q

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| ART UNIT | PAPER NUMBER |
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2623

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/956,910

Applicant(s)

HARTWIG ET AL.

Examiner

Annan Q. Shang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-109 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-109 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the preamble states, "A method to inhibit functions of a first mobile terminal by using a second mobile terminal..." the claim further states, "authenticating said second mobile terminal with said first mobile terminal..." and further states, "inhibiting certain functions of said second mobile terminal..." In order to provide a proper antecedent basis, It appears the claimed "...inhibiting certain functions of the second mobile..." should be changed to "inhibiting certain functions of the first mobile terminal..."

Claim Objections

2. Claim 103 is objected to because of the following informalities: In claim 102, line 4, it appears the phrase, "a controller in communication with the functional unit for controlling functions performed that can be performed..." should be changed to "a controller in communication with the functional unit for controlling functions that can be performed...." Appropriate correction is required.

Response to Arguments

3. Applicant's arguments with respect to claims 1-109 have been considered but are moot in view of the new ground(s) of rejection discussed below. This office action is non-final.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 8, 10-17, 22-27, 29-91 and 93-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Du (6,480,480)** in view of **Ellis et al (2005/0028208)**.

As to claims 1-8 and 10-27, note the **Du** reference figures figs.1-5, discloses wireless local area network comprising a controller and at least one candidate-controller terminal and further discloses a method to inhibit functions of a first mobile terminal by using a second mobile remote control means both comprise a wireless interface, the first mobile terminal having a plurality of functions which are controlled by a controller, the method comprising:

Authenticating of the second mobile terminal (Terminal T-1-4 or client) with the first mobile terminal, "T-1-4 a content server and a controller" (fig.1, col.2, lines 17-22, col.3, lines 23-53 and col.4, lines 32-46);

Transmitting inhibit rule data (control functions) from the second mobile to the first mobile terminal via wireless interface to established a secured communication linked between terminal(s) (col.4, lines 32-col.5, line 18);

Inhibiting certain functions of the second mobile terminal so that the functions are no longer operable by the controller, the inhibiting being performed based on the transmitted inhibit rule data without being based on additionally provided data received by the second mobile terminal from one of a third device and a content source and further retransmitting data concerning the use of the functions of the device (col.4, lines 32-col.5, line 18, col.5, line 61-col.6, line 36 and col.8, line 9-39).

Du teaches authenticating terminals, assigning ID numbers, modifying control functions, etc., of terminal(s) or terminal controller or vice-versa, but is silent to where the functions or inhibit rule data are no longer operable by the controller or user.

However, in the same field or endeavor, note the **Ellis** reference figures 1-2, discloses a client-server system and where a mobile access device, telephone, game device, etc., controls a client terminal or home server such that certain functions or inhibit rule data are no longer operable by the client and further teaches where the functions comprises a predetermined access, period, time, number of accesses, predetermined identification and/or classification code and cost information (page 5, [0071-0074], [0099-0103] and [0107]).

Therefore it would have been obvious to one skilled artisan to incorporate the teaching of Ellis into the system of Du to monitor terminal(s) and restrict terminal(s), by disabling certain functions of the terminal or provide terminal(s) with limited access to

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certain functions within a duration, based on various factors with respect to the content, at anytime as desired.

As to claims 5-8, Du further discloses where the content server uses HTML, XHTML, XML or WML, where the wireless interface includes Bluetooth (RF) interfaces and the terminals employ HTTP over RF and/or TCP/IP and/or wireless application protocol (WAP) over RF (col.2, line 40-col.3, line 22, line 40-67, col.4, line 66-col.5, line 1+ and col.9, line 36-39).

Claims 29-91 are met as previously discussed with respect to claims 1-8 and 10-27.

Claims 93-98 are met as previously discussed with respect to claims 1-8 and 10-27.

6. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ellis et al (2005/0028208)** and in view of **Smeets et al (7,020,456)**.

As to claims 1-4, note the **Ellis** reference figures 1-2a-d, discloses interactive television program guide (ITV-PG) with remote access and further discloses a method to inhibit functions of a device (ITV-PG Equipment 'ITV-PGE' 17 or User-TVE-22, 'TVR-17/22' page 4, [0067-0068]) by using a second mobile remote control means (Remote Program Guide Device 'R-PGD' 24, page 7, [0092-0094]) both comprise a wireless interface (Communications Device 'CD' 27 'fig.2b and CD-58, 'fig.5,' page 5, [0076-0077]), the first mobile terminal (TVR-17/22) having a plurality of functions which are controlled by a controller (TVR-17/22 Processor), the method comprising:

Authenticating of the mobile remote control means (Server or User-TVE-22);
transmitting inhibit rule data (various control settings including PG-parental control

settings) from the second mobile "a client" (R-PGD-24) to the first mobile terminal "a content server" (TVR-17/22, page 3, [0029], [0071-0072], [0090], [0097-0102], [0120-0121]) via wireless interfaces (CDs 27/58), note that TVR-17/22 is a server and also a client;

Inhibiting certain functions of the second mobile terminal according to the transmitted inhibit rule data so that the functions are no longer operable by the controller (TVR-17/22 Processor, page 5, [0071-0072], page 8, [0099-0102], [0103], [0107]).

Ellis teaches a wireless LAN interface (radio frequency, infrared, etc.), however fails to explicitly teach using Bluetooth link key generated from a passkey for authenticating the R-PGD-24.

However, note the **Smeets** reference figures 1-4, discloses method and system for authentication of units in a communications network, where the units communicate over Bluetooth interface uses Bluetooth link key generated from a passkey for the mobile units (col.7, line 65-col.8, line 39, line 57-col.9, line 35 and col.11, line 18-col.12, line 1+).

Therefore it would have been obvious to one of ordinary skilled artisan to incorporate the teaching of Smeets into the system of Ellis to provide secure communication between terminal(s) and additional security to the network.

7. Claims 6-7, 18-21, 28, 92 and 103-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Du (6,480,480)** in view of **Ellis et al (2005/0028208)** and further in view of **Smeets et al (7,020,456)**.

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As to claims 6-7, Du as modified by Ellis, teach all the claimed limitations as previously discussed with respect to claim 1 above, but fail to explicitly teach where the wireless interface is Bluetooth (BT) interfaces and where the terminals employ HTTP over BT and/or TCP/IP and/or WAP over BT.

However, **Smeets** further teaches where the wireless interface is Bluetooth (BT) interfaces and where the terminals employ HTTP over BT and/or TCP/IP and/or WAP over BT (col.7, line 65-col.8, line 39, line 57-col.9, line 35 and col.11, line 18-col.12, line 1+).

Therefore it would have been obvious to one of ordinary skilled artisan to incorporate the teaching of Smeets into the system of Du as modified by Ellis to order to provide a BT interfaces that conforms to other transmission protocols and further provide multi-services to the user terminals using other standard transmission protocol in combination with the BT transmission protocol.

As to claims 18-21, Du as modified by Ellis, teach all the claimed limitations as previously discussed with respect to claim 2 above, but fail to explicitly teach where the wireless interface is Bluetooth (BT) interfaces, which is met as previously discussed with respect to claims 6-7.

As to claim 28, Du as modified by Ellis, teach all the claimed limitations as previously discussed with respect to claim 7 above, but fail to explicitly teach using BT link key generated from a passkey for authenticating the terminals.

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However, **Smeets** further discloses using BT link key generated from a passkey for the mobile units (col.7, line 65-col.8, line 39, line 57-col.9, line 35 and col.11, line 18-col.12, line 1+).

Therefore it would have been obvious to one of ordinary skilled artisan to incorporate the teaching of Smeets into the system of Du as modified by Ellis for secured communication between terminal(s) and additional security to the network.

As to claim 92, Du as modified by Ellis, teach all the claimed limitations as previously discussed with respect to claim 1 above, but fail to explicitly teach using BT link key generated from a passkey for authenticating the terminals.

However, **Smeets** further discloses using BT link key generated from a passkey for the mobile units as discussed above with respect to the rejection of claim 28.

As to claims 103-109, note the **Du** reference figures figs.1-5, discloses wireless local area network comprising a controller and at least one candidate-controller terminal and further discloses a first mobile terminal configured to perform functions, the first mobile terminal comprising:

A functional Unit (figs.3-4, Station 12/Processor 13 'SP'-12/13);

A controller (14) in communication with the functional unit for controlling functions that can be performed by the functional unit (col.3, lines 40-67);

A wireless interface (16) for securely communicating with a second mobile, third, etc., (T-1-4) terminal, the second mobile terminal authorized by the first mobile terminal via reception of passkeys from the second mobile terminal (col.4, lines 1-24 and lines 32-65); and

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A server unit (Database 15) in communication with the controller, the server unit performing steps comprising:

Receiving inhibit rule data from the second mobile terminal via the wireless interface; Inhibiting functions performed by the functional unit, the inhibiting being performed based on the transmitted inhibit rule data without being based on additionally provided data received by the second mobile terminal from one of a third device and a content source (col.4, lines 32-col.5, line 18, col.5, line 61-col.6, line 36 and col.8, line 9-39).

Du teaches authenticating terminals, assigning ID numbers, modifying control functions, etc., of terminal(s) or terminal controller or vice-versa, but is silent to where the functions or inhibit rule data are no longer operable by the controller or user.

However, in the same field or endeavor, note the **Ellis** reference figures 1-2, discloses a client-server system and where a mobile access device, telephone, game device, etc., controls a client terminal or home server such that certain functions or inhibit rule data, are no longer operable by the client, including inhibiting total usage of certain functions of the second mobile terminal and further teaches where the functions comprises a predetermined access, period, time, number of accesses, predetermined identification and/or classification code and cost information (page 5, [0071-0074], [0099-0103] and [0107]).

Therefore it would have been obvious to one skilled artisan to incorporate the teaching of Ellis into the system of Du to monitor terminal(s) and restrict terminal(s), by disabling certain functions of the terminal or provide terminal(s) with limited access to

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certain functions within a duration based on various factors with respect to the content, at anytime as desired.

Du as modified by Ellis, fail to explicitly teach transmitting passkeys for authenticating the terminals.

However, **Smeets** further discloses using BT link key generated from a passkey for the mobile units (col.7, line 65-col.8, line 39, line 57-col.9, line 35 and col.11, line 18-col.12, line 1+).

Therefore it would have been obvious to one of ordinary skilled artisan to incorporate the teaching of Smeets into the system of Du as modified by Ellis for secured communication between terminal(s) and additional security to the network.

8. Claims 99-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Du (6,480,480)** in view of **Ellis et al (2005/0028208)** as applied to claim 96 above, and further in view of **Steele et al (6,564,047)**.

As to claims 99-102, Du as modified by Ellis, fail to explicitly teach where the mobile telephone data concerns the use of functions including telephone usage data, total number of calls, duration of phone calls, where the usage includes text messaging usage information and number of text messages sent from the mobile telephone.

However, note the **Steele** reference figures 1-4, discloses advanced air-time management and further discloses usage management of cellular telephones, including including telephone usage data, total number of calls, duration of phone calls, where the usage includes text messaging usage information and number of text messages sent

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from the mobile telephone (col.2, line 48-col.3, line 32, col.4, line 42-col.6, line 1+, col.7, line 26-col.8, line 49 and line 53-col.9, line 1+).

Therefore it would have been obvious to one of ordinary skilled artisan to incorporate the teaching of Smeets into the system of Du as modified by Ellis to monitor the mobile terminal with respect to telephone usage and billing users according based on their phone usage.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dent et al (7,114,178) disclose security system.

Ito (7,069,587) discloses electronic device and connection control method.

Hind et al (6,980,660) disclose method and apparatus for efficiently initializing mobile wireless devices.

Schiffer (6,871,063) discloses method and apparatus for controlling access to a computer system.

Schuster et al (6,857,072) disclose system and method for enabling encryption/authentication of a telephony network.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', with a stylized, cursive script.

Annan Q. Shang